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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

KONIECZNA et al.

Serial No. 10/564,148

Filed: November 9, 2006



Confirmation No. 6122

Atty. Ref.: 37-86

T.C. / Art Unit: 1618

Examiner: J.M. Vu

FOR: PHARMACEUTICAL FORMULATION COMPRISING LEVOTHYROXINE

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**INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR § 1.97(d)**

October 8, 2010

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Attached is Form PTO-1449 listing a patent document, which was first cited in a recent Office Action for a counterpart Japanese patent application. The undersigned certifies under 37 CFR § 1.97(e):

"[E]ach item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement."

The fee required under 37 CFR § 1.97(c) is also filed herewith. But should that fee be missing or inadequate, charge the deficiency to our Deposit Account No. 14-1140 under Order No. 37-86. Therefore, the requirements for filing an Information Disclosure Statement (IDS) after receipt of a final Office Action are satisfied.

Besides the English-language abstract, a translation of paragraph [0011] of JP 11-286456 attached is provided for the Examiner's consideration of its pertinence:

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"The average particle size of the celluloses is not limited. Cellulose having the similar average particle size to that of celluloses which generally is used as a binding agent can be used. However, if the particle size of celluloses is too large, it is difficult to complex crystalline cellulose with the starches, and if the particle size of celluloses is too fine, the risk such as dust explosion is increased. Considering the above mention, the preferable particle size of celluloses is 5-100  $\mu\text{m}$  in over 90% of the particle.

This IDS is intended to be in full compliance with the rules, but should the Examiner find any part of its required content to have been omitted, prompt notice to that effect is earnestly solicited, along with additional time under 37 CFR § 1.97(f), to enable Applicants to comply fully. In particular, if any of the listed documents are missing or incomplete, please contact the undersigned who will provide another copy.

As provided by 37 CFR §§ 1.97(g) and (h), no inference should be made that this information and the listed documents are prior art merely because they have been submitted for consideration. Further, no representation is being made that a search has been conducted or that this statement encompasses all possible material information.

Consideration of the foregoing and enclosures, as well as return of an initialed copy of the form per M.P.E.P. § 609 to confirm consideration of the listed documents, are earnestly solicited. The Examiner is invited to contact the undersigned if any further information is needed.

Respectfully submitted,

**NIXON & VANDERHYTE P.C.**

By: \_\_\_\_\_



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